REMARKS

This Amendment is responsive to the final Office Action dated June 20, 2005, and is being submitted with a Request for Continued Examination (RCE). In this Amendment, Applicant has amended claims 1, 16, and 31 and added new claims 47-56.

Examiner's Response to Arguments

In the Response to Arguments section of the final Office Action, the Examiner acknowledged arguments made by Applicant in the response filed September 3, 2005. In particular, the Examiner acknowledged Applicant's arguments concerning the differences between a style sheet formulated based on a color response of a display device associated with a client on a computer network, as claimed, and style definitions generated by a layout generator based on capabilities of a display device, per Hill et al.

As previously noted by Applicant, Hill generates style definitions based on capabilities of a display device, such as resolution, aspect ratio, physical size of the display, physical size of the browser window, color depth, color palette and supported fonts. Applicant emphasized that, in contrast, the color response of a display device refers to the actual color output of the display device in response to a particular color input. For example, color response may be based on an actual gamma determined for a display device. Hence, color response is determined by the actual physical output of the display device, and may vary between devices having identical capabilities.

The Examiner stated that the term "color response" is "in and of itself a broad limitation and does not preclude the multiple capabilities of the Hill et al. from reading on it." The Examiner asserted that the meaning attributed to the term "color response," i.e., as indicating the output of the input in response to particular color input, is not expressed in the claims. Applicant respectfully submits that the Examiner's interpretation of "color response" is incorrect. One skilled in the art of color imaging, in view of the state of the art and Applicant's disclosure, would interpret the term "color response" in the manner indicated by Applicant.

In the interest of expediting prosecution toward allowance, however, Applicant has amended claims 1, 16, and 31 to more clearly specify that the color response includes information relating to an actual gamma determined for the display device. The color response recited in Applicant's amended claims is completely different from the device

capabilities used by the layout generator described by Hill et al. to form style definitions. Therefore, Hill et al. is clearly inapplicable to the inventions claimed by Applicant.

The Examiner noted that Hill et al. "selects a style sheet that can be rendered correctly by the display device." In addition, the Examiner stated that "if the interrogated display device capabilities are shown to be unable to render 'blue' or any other color for that matter, a different style sheet would be used to render the page with different colors."

Whether the Examiner's characterization of Hill et al. is correct or not, this aspect of Hill et al. does not appear to relate to the requirements of Applicant's claims, particularly as amended. Even if the Hill et al. system were to select another style definition, as suggested by the Examiner, there still is no teaching of a style sheet that is formulated based on color response, and more particularly a color response that includes information relating to an actual gamma determined for a display device, as set forth in the dependent claims.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-6, 15-21, 30, 31, 35-37, and 46 under 35 U.S.C. § 102(b) as being anticipated by Hill et al. (US 6,023,714). Applicant respectfully traverses the rejection, at least to the extent it may be considered applicable to the amended claims. Hill et al. fails to disclose each and every feature of the amended claims, as required by 35 U.S.C. § 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Hill et al. fails to teach or suggest formulating a style sheet based on a color response of a display device associated with a client on a computer network, wherein the color response includes information relating to an actual gamma determined for the display device, and communicating the style sheet via the computer network, as recited by Applicant's independent claim 1.

Likewise, Hill et al. fails to teach or suggest a computer-readable medium containing instructions that cause a programmable processor to formulate a style sheet based on a color response of a display device associated with a client on a computer network, wherein the color response includes information relating to an actual gamma determined for the display device, as recited by Applicant's independent claim 16.

Moreover, Hill et al. fails to disclose a system comprising a color correction module that formulates a style sheet for a web page based on a color response of a display device,

wherein the color response includes information relating to an actual gamma determined for the display device, as recited by Applicant's independent claim 31.

In general, the claimed invention formulates a web page style sheet based on the color response of a particular display device. Moreover, the amended claims now more clearly specify that the color response includes information relating to an actual gamma determined for the display device. In this manner, style sheets can be used to customize web content to compensate for color response differences (e.g., different actual gammas) among different display devices. By formulating style sheets according to a specific color response, which includes information relating to an actual gamma determined for the display device, the claimed invention permits assignment of more accurate color values to web page objects.

For example, web pages communicated to individual clients reference the style sheets formulated for display devices associated with those clients, and thereby assign customized colors to the objects within the page, promoting increased color accuracy. In particular, by formulating style sheets based on color response characteristics, such as actual display device gamma, the colors of the displayed web page objects can be made to more accurately match the colors of the objects as originally intended.

Hill et al. makes no mention of the formulation of a style sheet based on a color response of a display device and, more particularly, based on a color response that includes information relating to an actual gamma determined for the display device. In contrast, Hill et al. describes a layout generator [300] that generates style definitions based on the capabilities of a display device instead of a color response of the display device. Column 9, lines 64-67. The layout generator [300] described by Hill et al. interrogates the display device to determine the capabilities of the output device and generates one or more style definitions based on the response to the interrogation.

The capabilities of the display device identified by the layout generator may include resolution, aspect ratio, physical size of the display, physical size of the browser window, color depth, color palette and supported fonts. Column 10, lines 22-26. The display device capabilities contemplated by Hill et al. do not relate to the color response of the display device, as claimed. For example, Hill et al. makes no mention of the generation of style definitions based on information relating to an actual gamma determined for a display device. Rather, such capabilities relate to static technical specifications of a display device, rather than color response characteristics representing the actual, physical gamma of the display device.

Selection of style sheets according to static technical specifications of a display device, per Hill et al., is fundamentally different than formulating style sheets based on actual color response, e.g., gamma, of a display device associated with a client. Again, a color response of a device is distinct from a static characteristic such as color palette or color depth of a display device. A color palette of a display device is simply the range of colors available to be applied to elements on a page. Similarly, the color depth of a display device refers to the number of variations of color that can be displayed by the device. Neither of these characteristics represents a color response, which indicates the output of a display device in response to a particular color input. Hence, two display devices with the same color capabilities, per Hill et al., may nevertheless have different color responses, e.g., different gamma values. The claimed invention formulates style sheets that are customized based on such a color response. Consequently, Hill et al. fails to teach or suggest the subject matter of independent claims 1, 16 and 31, which require formulating style sheets based on the color response of the device associated with the client, particularly wherein the color response includes information relating to an actual gamma.

Notably, with respect to claim 31, Hill et al. makes no mention of color correction or a color correction module. Therefore, claims 31-46 are patentable over Hill et al. in view of this additional difference.

For at least these reasons, the Hill et al. reference cannot support a prima facie case for anticipation of Applicant's claims 1-6, 15-21, 30-31, 35-37, and 46 under 35 U.S.C. § 102(b). Withdrawal of these rejections is requested.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 7-8, 22-23, 32-34, and 38-39 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. (US 6,023,714) and rejected claims 9-14, 24-29, and 40-45 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. (US 6,023,714) in view of Bernard et al. (WO 00/29935). Applicant respectfully traverses these rejections.

Claims 7, 8, 22, 23, 32-34, 38 and 39

Applicant respectfully traverses the rejection of claims 7-8, 22-23, 32-34, and 38-39 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. Claims 7 and 8 are dependent on claim 1, claims 22 and 23 are dependent on claim 16, and claims 32, 34, 38, and 39 are

dependent on claim 31. Hill et al. fails to disclose or suggest the requirements of independent claims 1, 16 and 31 for at least the reasons stated previously in this Amendment and, are therefore in condition for allowance. Thus, dependent claims 7, 8, 22, 23, 32-34, 38 and 39 are also in condition for allowance. Withdrawal of this rejection is requested.

Applicant does not admit or acquiesce in the propriety of the rejections of claims 7, 8, 22, 23, 32-34, 38 and 39, but reserves further comment at this time in view of the fundamental differences discussed above.

Claims 9-14, 24-29, and 40-45

Applicant respectfully traverses the rejection of claims 9-14, 24-29, and 40-45 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. in view of Bernard et al. Claims 9-14 are dependent on claim 1, claims 24-29 are dependent on claim 16, and claims 40-45 are dependent on claim 31. Hill et al. fails to disclose or suggest the requirements of independent claims 1, 16 and 31 for at least the reasons stated previously in this Amendment. Bernard et al. provides no teaching sufficient to overcome the basic deficiencies described above with respect to Hill et al. Therefore, claims 9-14, 24-29, and 40-45 are also in condition for allowance. Withdrawal of this rejection is requested. Withdrawal of this rejection is requested.

Applicant does not admit or acquiesce in the propriety of the rejections of claims 9-14, 24-29, and 40-45, but reserves further comment at this time in view of the fundamental differences discussed above.

Rejection for Obviousness-type Double Patenting:

The Examiner maintained the provisional rejection of claims 1-46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-46 of commonly owned copending Application No. 09/809,654 ("'654 application"). Applicant respectfully traverses this rejection.

Applicants respectfully submit that the Examiner has not established a prima facie case of obviousness-type double patenting. Applicants respectfully submit that the pending claims, which relate to formulating a style sheet based on a color response of a display, would not have been obvious in view of the claims of the '654 application, which generally relate to formulating a text file containing color commands for presentation of objects within a web page based on a color response of a display device. Color correction techniques that

incorporate style sheets as a mechanism for transporting color profile data are non-obvious in view of the claims of the '654 application, which concentrate on color correction techniques that more generally make use of text files, such as HTML files.

The claims of the '654 application, for example, include no mention of the use of a style sheet as a text file. The mere fact that a style sheet represents a specific form of text file does not mean that it would have been obvious to formulate a style sheet based on color response of a display device. The Examiner stated that "it was notoriously well known in the art for style sheets to be web text files for formatting web page content," but cited no teaching that would suggested formulation of style sheets based on display device color response.

In light of the provisional status of the rejection, with both the '654 application and the present application still pending, Applicant reserves further comment at this time.

New Claims:

Applicant has added claims 47-56 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicant's new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. For example, the references fail to disclose or suggest formulation of a style sheet based on a color response that further includes information relating to actual blackpoint and gray balance estimated for the display device, as set forth in claims 47-56.

Moreover, Hill et al. and Bernard et al. provide no teaching that would have suggested guiding the client through a color profiling process to determine the blackpoint, gamma and gray balance for the display device, as set forth in claims 48, 51, and 54, or the formulation of a style sheet that specifies color customization of web page content based on the actual gamma determined for the display device, as set forth in claims 49, 52 and 55.

The applied references also fail to suggest a method comprising guiding computer network clients through a color profiling process to estimate blackpoint and gamma values for display devices associated with the computer network clients, and formulating style sheets for the computer network clients, wherein each of the style sheets specifies color customization of web page content based on the blackpoint and gamma values, wherein computer network clients apply the style sheets to customize color of web page content to compensate for differences in blackpoint and gamma values among different display devices, as set forth in claim 56.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. The Examiner is invited to telephone the below-signed attorney to discuss this application.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225. ***A duplicate copy of this communication is enclosed.***

Date: 8/16/05

By: Mark G. Bocchetti

Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201
Telephone: 585-477-3395
Facsimile: 585-477-4646

Name: Mark G. Bocchetti
Reg. No.: 31,330